

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JUNE 18, 2009**

Invocation: Rabbi Kerry Baker, Congregation Kol Halev

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 18, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:21 a.m.

Mayor Wynn asked Council Members to report on upcoming agenda items; however, none were mentioned.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the Minutes of the Austin City Council June 11, 2009 Regular meeting.
The minutes from the meeting of June 11, 2009 were approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
2. Approve a resolution authorizing the City Manager to apply for funding from, and negotiate and execute any necessary agreements with, the Texas Water Development Board (TWDB) as part of the American Recovery and Reinvestment Act of 2009 in the amount up to \$53,700,000 to access capital funding for the implementation of wastewater projects that are in the Austin Water Utility's 5-year Capital Improvement Program. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission. Related to Item #8.
Resolution No. 20090618-002 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
3. Authorize a resolution consenting to the annexation of 6.68 acres into Travis County Water Control and Improvement District 10 ("WCID #10") for the provision of water service. There are no expenditures incurred by the City of Austin for this action. The landowner or WCID #10 will incur all expenses for water service to the seven-acre tract. Recommended by the Water and Wastewater Commission.
Resolution No. 20090618-003 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

4. Approve issuance of a rebate in the amount of \$54,791 to Crowne Plaza for the installation of 293 water efficient toilets at the Crowne Plaza Hotel at 6121 N IH 35. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility. Recommended by the Water and Wastewater Commission. Recommended by the Citizens Water Conservation Implementation Task Force and the Resource Management Commission.
The motion authorizing the issuance of a rebate to Crowne Plaza was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
5. Authorize the negotiation and execution of a 12-month Interlocal Agreement with the Greater Austin Area Telecommunications Network Agency for network operations and management services in the amount of \$183,000 payable to the City with four 12-month renewal options of \$183,000 per renewal option, for a total agreement amount of not less than \$915,000. \$183,000 is to be paid to the City of Austin by the GAATN Agency for the first 12 month services agreement. Funding for extension options is contingent upon authorization by the GAATN Board in their future year budgets.
The motion authorizing the negotiation and execution of an interlocal agreement with the Greater Austin Area Telecommunications Network Agency was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
6. Authorize negotiation and execution of Amendment No. 1 to the existing Performance Contract agreement with: Chevron Energy Solutions, San Francisco, CA and Ameresco, Inc., Houston, TX, for an Energy Service Company (ESCO) Rotation List to identify, design and implement energy and water conservation measures in various City of Austin facilities, to increase the current contract amount by \$5,000,000 for a total revised amount not to exceed \$15,000,000, until financial authorization is expended and all services under this contract have been completed. The additional authorization will be distributed as follows: \$2,500,000 to Chevron Energy Solutions and \$2,500,000 to Ameresco, Inc. Funding in the amount of \$5,000,000 is available through low interest loans from the State of Texas LoanSTAR (Saving Taxes and Resources) Loan Program. The City determined that subcontracting opportunities for this type of contract are assignment specific. After the project specific scope of work is defined through a Detailed Energy Audit process and approved by AE, the Energy Services Companies (ESCOs) will review the Detailed Audit Report, and MBE/WBE participation goals are established, where applicable, based on the assignment specific scope of work. The Energy Services Company will be required to complete and submit a MBE/WBE Compliance Plan for review with their final proposal. Upon approval of the Energy Services Company's MBE/WBE Compliance Plan by the City, the Compliance Plan shall be incorporated into the project and shall be considered part of the Energy Services Company's performance requirements. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion authorizing the negotiation and execution of amendment number one to the existing performance contract agreement with Chevron Energy Solutions and Ameresco, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
7. Authorize negotiation and execution of a professional services agreement with TCB, INC. (an AECOM COMPANY), Austin, TX, for engineering services for Davis Water Treatment Plant Treated Water Discharge System in an amount not to exceed \$5,000,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of nine (9) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 21.20% MBE and 16.00% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with TCB, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

8. Authorize negotiation and execution of an amendment to the professional services agreement with the following seven firms: CAMP, DRESSER & MCKEE, INC. (CDM), Austin, TX; CHIANG, PATEL & YERBY, INC., Austin, TX; KALLURI GROUP, INC., (MBE/MA) HOUSTON, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; CH2M HILL, INC., Austin, TX; KENNEDY/JENKS CONSULTANTS, INC., Austin, TX and MWH AMERICAS, INC., Austin, TX to provide engineering services for the Water and Wastewater System Facility Engineering Rotation List, for the years 2008 through 2011 or until available funding authorization is expended, in the amount of \$3,500,000 in additional authorization, for a total not to exceed amount of \$13,000,000 for this rotation list. This additional authorization will be used for the rehabilitation of Hornsby Bend Biosolids Management Plant and for other water and wastewater facility projects that receive funding from the Texas Water Development Board under the American Recovery and Reinvestment Act of 2009 Special Clean Water State Revolving Fund (CWSFR) capitalization grant. Funding is available in the Fiscal Year 2009-2011 Capital and/or Operating and Maintenance Budgets of the Austin Water Utility and highly anticipated from the Texas Water Development Board under the American Recovery and Reinvestment Act of 2009 Special Clean Water State Revolving Fund (CWSRF) capitalization grant. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission. Related to Item #2.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following seven firms: Camp, Dresser & McKee, Inc. (CDM), Chiang, Patel & Yerby, Inc., Kalluri Group, Inc. ((MBE/MA); Alan Plummer Associates, Inc.; CH2M Hill, Inc. Kennedy/Jenks Consultants, Inc. and MWH Americas, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
9. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for Valve Replacement A, for a total contract amount not to exceed \$544,095. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest of eight (8) bids received. The contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business enterprise Procurement Program) by meeting the goals with 15.34% MBE and 1.82% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with McLean Construction, Ltd. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
10. Authorize execution of a construction contract with BALLOU CONSTRUCTION CO., INC, Salina, KS, for the 2009 Miscellaneous Streets Slurry Seal and Micro-Surfacing project in the amount of \$3,790,645.90. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Lowest responsive bid of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.16% MBE and 2.60% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Ballou Construction Co., Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

11. Authorize execution of Change Order #5 to the construction contract with MCLEAN CONSTRUCTION, LTD, Killeen, TX, for Lamar / Bluebonnet / Manchaca Water Improvements - ACWP - Govalle 1 Basin Wastewater Improvements in the amount of \$850,000, for a total contract amount not to exceed \$8,767,843. Funding in the amount of \$850,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 13.64% MBE and 3.16% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of change order number 5 to the construction contract with McLean Construction, Ltd was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
12. Authorize execution of Change Order #5 to the construction contract with OSCAR RENDA CONTRACTORS, INC., Roanoke, TX, for the ACWP Govalle 2 - Blunn Creek Wastewater Improvements (Re-bid) in the amount of \$906,137.50, for a total contract amount not to exceed \$5,975,857.50. Funding in the amount of \$906,137.50 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.52% MBE and 2.66% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of change order number 5 to the construction contract with Oscar Renda Contractors, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
13. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Dittmar Gym Enclosure in the amount of \$1,545,080 plus a \$77,254 contingency, for a total contract amount not to exceed \$1,622,334. Funding in the amount of \$1,622,334 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 19.06% MBE and 1.25% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Barecky Construction Company was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

Item 14 was pulled for discussion.

15. Authorize reimbursement, under previously approved contract, to West 38th Street Ltd., Austin, TX, for the rehabilitation of the Central Park wet pond, in the amount of \$149,935.50, plus a contingency amount of \$7,496.78, for a total contract amount not to exceed \$157,432.28. Funding in the amount of \$157,432.28 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. This contract was originally approved as a cost reimbursement in 1993 and as such was in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program).
The motion authorizing the reimbursement under previously approved contract to West 38th Street Ltd. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

Item 16 was pulled for discussion.

17. Authorize negotiation and execution of a commission agreement with Chris Doyle (New York, NY), in an amount not to exceed \$230,850. Funding in the amount of \$230,850 is available in the Fiscal Year 2008-2009 Capital Budget of the Financial and Administrative Services Department. The Art in Public Place Panel approved the artist's final design on May 4, 2009; The Austin Arts Commission approved the artist's final design on May 18, 2009.
The motion authorizing the negotiation and execution of a commission agreement with Chris Doyle was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
18. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County to jointly monitor compliance with Section 4.d of the Chapter 380 Economic Development Agreement between the City and The Domain Shopping Center, L.P. and with Section 5.1(c) of the Chapter 381 Economic Development Agreement between Travis County and The Domain Shopping Center, L.P.. There is no unanticipated fiscal impact. A fiscal note is not required.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
19. Authorize negotiation and execution of a commission agreement with Joseph Phillips, Jana B. Swec and Shea Little (dba Sodalitas Art Group, Austin, TX), for artwork, in an amount not to exceed \$99,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. The Art in Public Place Panel unanimously approved the artist's final design on May 4, 2009; The Austin Arts Commission unanimously approved the artist's final design on May 18, 2009.
The motion authorizing the negotiation and execution of a commission agreement with Joseph Phillips, Jana B. Swec and Shea Little doing business as Sodalitas Art Group was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
20. Approve an ordinance amending Section 2-1-22 of the City Code related to board member terms.
Ordinance No. 20090618-020 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
21. Authorize negotiation and execution of a legal services agreement with Denton, Navarro, Rocha & Bernal, L.L.P., as lead negotiator and legal co-counsel for labor negotiations for the Fire Department in an amount not to exceed \$83,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.
The motion authorizing the negotiation and execution of a legal services agreement with Denton, Navarro, Rocha & Bernal, L.L. P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
22. Approve a resolution authorizing the City Manager to negotiate and execute an Interlocal Mutual Aid Agreement with the City of Houston to, in the event of a disaster, provide aid, including emergency personnel, debris removal personnel, equipment and other aid as requested by the affected municipality.
Resolution No. 20090618-022 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
23. Approve an ordinance establishing classifications and positions in the classified service of the police department, eliminating and creating certain positions, and repealing Ordinance No. 20090129-019 relating to police department classifications and positions and declaring an emergency. Funding is available in the Fiscal Year 2008-2009 Operating budget of the Austin Police Department.

Ordinance No. 20090618-023 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

24. Approve a resolution authorizing the application for and acceptance of \$30,109 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Juvenile Justice and Delinquency Prevention (JJDP) Act Fund Program for the operation of the APD/Lifeworks Delinquency Prevention Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Juvenile Justice and Delinquency Prevention (JJDP) Act Fund Program for the grant period September 1, 2009 - August 31, 2010. There is no required match.

Resolution No. 20090618-024 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

25. Approve a resolution authorizing the extension of line of duty injury leave as needed, at full pay for Austin Police Department Officer Aaron Van Bishop. Funding is included in the Fiscal Year 2008 - 2009 Operating Budget for the Police Department.

Resolution No. 20090618-025 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

26. Approve a resolution amending Resolution Nos. 20060608-25, 20070111-026 and 20070412-006 and approving the negotiation and execution of all necessary documents to terminate the Advance Funding Agreement between the City and the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), for the Channel Road Bridge at Rocky Cliff Slough project, as an authorized Federal Off-System Bridge Program Project.

Resolution No. 20090618-026 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

27. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for relocation of Austin Water Utility water lines as part of the County's Imperial Valley Drive Project, in the amount of \$115,730 plus a \$28,930 contingency, for a not to exceed amount of \$144,660. Funding is available in the Fiscal Year 2008-2009 Approved Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

28. Authorize award, negotiation, and execution of a 12-month contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, for the maintenance and support of the Austin/Travis County Trunked Regional Radio System communication infrastructure in an amount not to exceed \$2,228,775, with four 12-month extension options in an amount not to exceed \$2,295,638 for the first extension option, \$2,364,507 for the second extension option, \$2,435,443 for the third extension option, and \$2,508,506 for the fourth extension option, for a total contract amount not to exceed \$11,832,869. Funding in the amount of \$371,463 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Wireless Communications Services Division. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a contract with Motorola Communications and Electronics, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

29. Authorize award and execution of Amendment No. 1 to a requirements service contract with PACE GLOBAL ENERGY SERVICES, LLC, Fairfax, VA, for continued support of Austin Energy's long-range energy resource planning process to increase the contract authorization in an estimated amount not to exceed \$200,000, for a revised contract amount not to exceed \$564,344. Funding in the amount of \$200,000 is available in the Fiscal Year 2008-2009 Operating Budget for Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of amendment number one to a requirements service contract with Pace Global Energy Services, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

30. Authorize award and execution of a 12-month requirement service contract with BUSINESS & PERSONAL SOLUTIONS, Cedar Creek, TX, for the distribution of door hanging advertisements for Austin Energy's Power Saver Programs in an estimated amount not to exceed \$58,680, with one 12-month extension option in an estimated amount not to exceed \$58,680, for a total estimated contract amount not to exceed \$117,360. Funding in the amount of \$14,670 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension option is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission and the Resource Management Commission.

The motion authorizing the award and execution of a requirement service contract with Business & Personal Solutions was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

31. Authorize award and execution of a service contract through the State of Texas, Department of Information Resources (DIR) with M&S TECHNOLOGIES, Dallas, TX to provide networking hardware implementation services in an estimated amount not to exceed \$434,511, with four 12-month extension options to provide system maintenance and support services in an estimated amount not to exceed \$80,000 per extension option, for a total estimated contract amount not to exceed \$754,511. Funding in the amount of \$355,070 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$79,441 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this contract. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a service contract through the State of Texas, Department of Information Resources (DIR) with M&S Technologies was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

32. Authorize award and execution of Amendment No. 1 to a contract with TEGRON LP, Longview, TX, to increase the contract for the upgrade of the demineralizer system at Decker Creek Power Station in an estimated amount not to exceed \$200,000, for a revised total estimated contract amount not to exceed \$2,847,508. Funding in the amount of \$200,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of amendment number one to a contract with Tegron LP was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
33. Authorize award, negotiation, and execution of a 12-month requirements supply contract with TEXAS DIGITAL SYSTEM, INC., College Station, TX, for the purchase of an information delivery system including LCD monitors, software, annual maintenance and support, and implementation in an estimated amount not to exceed \$170,721, with four 12-month extension options in an estimated amount not to exceed \$14,670 per extension option, for a total estimated contract amount not exceed \$229,401. Funding in the amount of \$156,051 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$14,670 is available in the 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.80% MBE and 16.40% WBE subcontractor participation. Recommended by Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a requirements supply contract with Texas Digital System, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
34. Authorize award and execution of Amendment No. 3 to a requirements service contract with TEXAS METER & DEVICE CO., LLC, Waco, TX, for replacing existing electrical meters to increase the current contract in an estimated amount not to exceed \$750,000, for a revised total estimated contract amount not to exceed \$4,008,000. Funding in the amount of \$750,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of amendment number three to a requirements service contract with Texas Meter & Device Co., LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
35. Authorize award and execution of a 24-month requirements supply contract with APPLIED BIOSYSTEMS, Foster City, CA. for the purchase of DNA consumable supplies for the Austin Police Department in an amount not to exceed \$175,000, with two 12-month extension options in an amount not to exceed \$75,000 per extension option, for a total estimated contract amount not to exceed \$325,000. Funding in the amount of \$21,875 is available in the FY 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a requirements supply contract with Applied BioSystems was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

36. Authorize the award, negotiation and execution of a five year service contract with AMPCO SYSTEM PARKING, Houston, TX for the management of the parking and shuttle bus operations at Austin-Bergstrom International Airport , with the option to extend for up to two additional terms of one year each, in an amount for management and incentive fees not to exceed \$461,987 for the initial contract year, escalating annually thereafter at 3% per year, plus reimbursement of authorized annual operating and maintenance expenses. Austin-Bergstrom International Airport parking facilities are projected to generate in Fiscal Year 2009-2010 gross revenue of approximately \$26 million. Fiscal Year 2009-2010 operating expenses, which include shuttle bus operating costs, maintenance and the proposer's \$419,988 first year's management fee are projected to be \$5,475,991. The contractor could earn up to an additional \$41,999 in first year incentive fees if it meets specified performance measures. Projected parking revenues and expenses will be included in the Fiscal Year 2009-2010 Proposed Operating Budget of the Department of Aviation. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with 49 CFR Part 23 of the Federal Regulations (Airport Concession Disadvantaged Owned Business Enterprises Program (ACDBE)) by meeting the goals with 10.10% ACDBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the award, negotiation and execution of a service contract with AMPCO System Parking was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
37. Authorize award and execution of a 36-month requirements service contract with CENTRAL PARKING SYSTEM OF TEXAS, INC., Austin, TX for parking lot management and operation services in an estimated amount not to exceed \$234,780, with three 12-month extension options in an estimated amount not to exceed \$78,260 per extension option, for a total estimated contract amount not to exceed \$469,560. Funding in the amount of \$26,087 is available in the Fiscal Year 2008-2009 Operating Budget of the IH-35 Fund. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Central Parking System of Texas, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
38. Authorize award and execution of a 36-month requirements service contract with SOUTHERN TIRE MART, Austin, TX to provide tire repair and replacement services in an estimated amount not to exceed \$394,062, with three 12-month extension options in estimated amounts not to exceed \$144,703 for the first extension option, \$151,938 for the second extension option, and \$159,535 for the third extension option, for a total estimated contract amount not to exceed \$850,238. Funding in the amount of \$31,250 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Southern Tire Mart was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

39. Authorize award, negotiation, and execution of two 12-month requirements service contracts with: ASSURANT EMPLOYEE BENEFITS, Kansas City, MO, for a Dental Maintenance Organization (DMO) dental plan for City of Austin retirees in an estimated amount not to exceed \$210,000, with one 12-month extension option in an estimated amount not to exceed \$265,000, for a total estimated contract amount not to exceed \$475,000; and DELTA DENTAL INSURANCE CO., Alpharetta, GA, for an indemnity/PPO dental plan for City of Austin retirees in an estimated amount not to exceed \$1,100,000, with one 12-month extension option in an estimated amount not to exceed \$1,425,000, for a total estimated contract amount not to exceed \$2,525,000. Funding in the amounts of \$982,500 (\$157,500-Assurant; \$825,000-Delta Dental) is contingent upon approval of the Fiscal Year 2009-2010 Proposed Operating Budget of the Employees Benefits Fund. Funding for the remaining three months of the original contract periods and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of two requirements service contracts with Assurant Employee Benefits and Delta Dental Insurance Co. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

40. Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with GAMETIME c/o TOTAL RECREATION PRODUCTS, INC., Cypress, TX for the purchase and installation of playground equipment in an amount not to exceed \$199,638.87. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the U.S. Communities Government Purchasing Alliance with Gametime in care of Total Recreation Products, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

41. Authorize award and execution of Amendment No. 1 to increase a contract with FOX, SMOLEN & ASSOCIATES, INC., Austin, TX for reimbursable costs associated with additional meetings to review the Texas Gas Service's requested rate increase in an estimated amount not to exceed \$15,000, for a revised total estimated contract amount not to exceed \$66,385. Funding in the amount of \$15,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Telecommunications & Regulator Affairs Division of the Financial and Administrative Services Department. Funding will be reimbursed by Texas Gas Service. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of amendment number one to increase a contract with Fox, Smolen & Associates, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

42. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of West Slaughter Lane to the table of speed limits having a maximum speed limit of 35 miles per hour during certain times for students attending Gorzycki Middle School. \$14,000 for the installation of signs is available in the Fiscal Year 2008-2009 Child Safety Fund of the Department of Public Works.
Ordinance No. 20090618-042 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
43. Approve an ordinance amending Section 12-4-64(D) of the Code by establishing a school zone on a portion of Samsung Boulevard with a maximum speed limit of 20 miles per hour at certain times for students attending Pioneer Crossing Elementary School. Funding in the amount of \$16,140 is available in the approved Fiscal Year 2009-2010 Operating Budget of the Transportation Department for the installation of necessary signs and flashers.
Ordinance No. 20090618-043 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
44. Authorize negotiation and execution of a 12-month State Use Agreement with TIBH Industries, Inc. (formerly known as TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED) for vegetation control in creeks and detention/water quality ponds; and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,834,834. Funding in the amount of \$1,834,834 is included in the Fiscal Year 2009-2010 proposed Operating Budget of the Watershed Protection & Development Review Department.
The motion authorizing the negotiation and execution of a state use agreement with TIBH Industries, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

Item 45 was pulled for discussion.

46. Approve appointments and certain related waivers to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following waivers were approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

There were no board or commission appointments today.

Waivers

Per Section 2-1-27 of the City Code, Council approved a waiver of the residency requirement for the following board members:

Electric Board

Peggy Simpson

Mechanical, Plumbing and Solar Board

Michael Nail

47. Approve an ordinance amending the City Code to amend Section 2-1-25 (Public Financial Statements), add a new Section 2-1-171 (Public Safety Commission), and amend Subsection 2-7-72(C) (Reports). (Council Member Mike Martinez Council Member Lee Leffingwell)
Ordinance No. 20090618-047 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

48. Approve an ordinance amending Chapter 2-2 of the City Code related to campaign finance. (Council Member Laura Morrison Mayor Will Wynn)
Ordinance No. 20090618-048 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
49. Approve a resolution directing the city manager to allocate city resources, including staff, to centralize city programs and activities related to supporting Austin music. (Council Member Mike Martinez Council Member Laura Morrison Council Member Randi Shade)
This item was postponed to August 6, 2009 on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
50. Approve a resolution directing the City Manager to procure a consultant team to develop a Strategic Mobility Plan for the City of Austin, incorporating engineering studies and a public outreach program. (Council Member Sheryl Cole Council Member Laura Morrison)
Resolution No. 20090618-050 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
51. Approve the waiver of certain rental fees for the Great Public Spaces Summit sponsored by The Congress for the New Urbanism to be held on June 25, 2009 at the Mexican American Cultural Center (MACC). (Council Member Randi Shade Mayor Pro Tem Brewster McCracken)
The motion to approve the waiver of certain rental fees for the Great Public Spaces Summit sponsored by the Congress for the New Urbanism was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
52. Set a public hearing to consider an ordinance amending Chapters 25-2 and 25-10 of the City Code to authorize Home Occupation signs on Core Transit Corridors and Future Core Transit Corridors. (Suggested date and time: July 23, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) To be reviewed by the Committee on Codes and Ordinances June 16, 2009 and by the Planning Commission on July 14, 2009.
The public hearing was set for July 23, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
82. Approve an ordinance waiving Section 9-2-24(A) of the Code for properties located at least partially in the CS-1, Central Business District, or Downtown Mixed Use zoning districts and permitted under Chapter 9-2 on the effective date of Ordinance 20090423-050 to extend the expiration date of each permit for 180 days. (Council Member Laura Morrison Council Member Mike Martinez)
Ordinance No. 20090618-082 was approved on consent on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

Items 53 and 54 were Executive Session items.

Items 55 through 57 was a briefing item set for 2:00 p.m.

Items 58 through 73 were zoning items set for 4:00 p.m.

Items 74 through 81 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

14. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., Austin, TX, for planning services Integrated Solid Waste Management Master Plan in an amount not to exceed \$1,500,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Best qualification statement of three (3) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Reviewed by the Solid Waste Advisory Commission.
The motion authorizing the negotiation of a professional services agreement with HDR Engineering, Inc. was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote. Direction was given to staff to engage the public and Solid Waste Advisory Commission (SWAC) in the development of the contract.
16. Approve a resolution authorizing the City Manager to negotiate and execute a Lease Agreement with the Film Society of Austin, Inc., for approximately 20 acres of the former Robert Mueller Municipal Airport for continued use as a studio complex for the production of films, television programs, commercials, and multi-media productions and for educational and job-training purposes associated therewith. There is no unanticipated fiscal impact. A fiscal note is not required.
Resolution No. 20090618-016 with the following amendment was approved on Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais. The amendment was to include in the lease, a provision requiring all subleases involving improvements to the leased premises in excess of \$50,000 come before Council for approval.

CITIZEN COMMUNICATION: GENERAL

Erika Gonzalez - Shut down and relocate Pure Casting and build affordable housing! PODER'S young scholars for justice

Yvette Rodriguez - PURE casting, shut down and build affordable housing, PODER young scholars for justice

Carmen D. Llanes - Relocate the Pure Casting facility; build affordable housing!

Samantha Rodriguez - Relocate Pure Casting facility, build affordable housing. PODER's young scholars for justice

Jeanette Auerbach -Billboard on South Lamar

Charlie Brown - Billboard on Lamar

Scott Johnson - Distractions created by cell phone use or text messaging while driving

Richard Troxell -Homelessness in Austin

Rae Nadler-Olenick - Water fluoridation

Girard Kinney – Billboards

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:51 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

53. Discuss legal issues relating to labor negotiations for amendments to the Meet and Confer Agreements with the Police and EMS departments. (Private Consultation with Attorney - Section 551.071)
54. Discuss legal issues related to the Economic Development Agreement between the City and NBC Universal, Inc. (Private Consultation with Attorney - Section 551.071).

Executive Session ended at 1:48 p.m.

Mayor Wynn recessed the Council Meeting at 1:48 p.m.

Mayor Wynn called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:07 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 3:25 p.m.

BRIEFINGS

55. Staff update on the Austin GO Initiative
The presentation was made by Gail Roper, Chief Information Officer for Communications and Technology Management.
56. Staff presentation on the Austin Climate Protection Program 2009 Annual Report
The presentation was made by Ester Matthews, Director of Austin Climate Protection Plan for Austin Energy.
57. Planned Unit Development Assessments - CD-2008-0013 - Development Assessment of Whisper Valley Planned Unit Development, located at 9000 Taylor Lane (Gilleland Watershed).
The presentation was made by Greg Guernsey, Director for Neighborhood Planning and Zoning Department; Steve Metcalfe, Drenner & Golden Stuart Wolff LLP; and Pat Murphy, Assistant Director for Watershed Protection and Development Review.

DISCUSSION ITEM CONTINUED

45. Authorize the negotiation and execution of the Whisper Valley and Indian Hills Development Agreement affecting 2,340 acres in the Desired Development Zone adjacent to State Highway 130.
The motion authorizing the negotiation and execution of the Whisper Valley and Indian Hills Development Agreement was approved on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

ZONING CONSENT ITEM

58. C14-2008-0234 - ZFB, Ltd. Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9710 and 9718 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on June 11, 2009. Vote: 6-0 (Cole-absent.) Applicant: Pohl Brown & Associates (William Pohl). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.
Ordinance No. 20090618-058 for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

59. C14-2009-0010 - Stoney Ridge Substation - Conduct a public hearing to approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7007 1/2 Heine Farm Road (Dry Creek East Watershed) from single-family residence-small lot (SF-4A) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Planning Commission Recommendation: To grant public (P) district zoning. Applicant and Agent: Austin Energy (Judy Fowler). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20090618-059 for public (P) district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.
61. C14-79-081(RCT) - Twin Oaks Tract - Conduct a public hearing to approve termination of a restrictive covenant for the property located at 900-1000 West Ben White Blvd. (Slaughter Creek West and Bouldin Creek Watersheds). Staff Recommendation: To terminate the restrictive covenant. Planning Commission Recommendation: To terminate the restrictive covenant. Applicant: Twin Oaks Associates LTD. Agent: Urban Design Group (Laura Toups). City Staff: Stephen Rye, 974-7604.
The public hearing was closed and the motion to authorize the termination of the restrictive covenant was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.
62. C14-2008-0218 - Twin Oaks Tract - Conduct a public hearing to approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900-1000 West Ben White Blvd. (Slaughter Creek West Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Twin Oaks Associates, LTD. Agent: Urban Design Group (Laura Toups). City Staff: Stephen Rye, 974-7604.
The public hearing was closed and Ordinance No. 20090618-062 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

63. C14-2009-0035 - Soco Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3801 South Congress Avenue (East Bouldin Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: GST South Congress, L.P. Agent: Bury & Partners (Darren Huckert). City Staff: Stephen Rye, 974-7604.
The public hearing was closed and Ordinance No. 20090618-063 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.
64. C814-01-0114.01 - Comanche Canyon Ranch, ETJ Planned Unit Development Amendment #1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 040129-43 and the Comanche Canyon Ranch ETJ Planned Unit Development Agreement to allow areas 3 and 4 identified in the Agreement and in the area locally known as 12309 Bullick Hollow Road and 6708 North FM 620 Road (Lake Travis Watershed), to be developed as a major utility facility (Water Treatment Plant 4) and to specify that development will adhere to the provisions of the City's Land Development Code and Ordinance No. 20080515-035. Staff Recommendation: To grant the first amendment to Comanche Canyon Ranch ETJ Planned Unit Development. Environmental Board Recommendation: To grant the first amendment to Comanche Canyon Ranch ETJ Planned Unit Development. Zoning and Platting Commission Recommendation: To grant an amendment to the Comanche Canyon Ranch ETJ Planned Unit Development. Applicant: Austin Water Utility (William P. Stauber). Agent: City of Austin, Public Works Department (Robert Hengst). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to July 23, 2009 at the neighborhood's request on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.
65. C14-2008-0233 - Ranch Road Zoning Case - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11401 Ranch Road 2222 (Lake Travis/Panther Hollow Watershed) from interim-rural residence (I-RR) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Applicant: LTBS 2222 Ltd. Agent: Mclean & Howard L.L.P. (Jeffrey S. Howard). City Staff: Clark Patterson, 974-7691.
The public hearing was closed and Ordinance No. 20090618-065 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.
67. NPA-2009-0007.01 - 9117 Northgate Blvd - Conduct a public hearing and approve an ordinance amending Ordinance No. 000629-106, the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from multifamily to commercial for the property located at 9117 Northgate Blvd. (Little Walnut Creek Watershed). Staff Recommendation: To approve commercial land use designation.

Planning Commission Recommendation: To approve commercial land use designation. Applicant: Nuraminco, Inc, DBA Sunrise Mini-mart (Abdul Patel). Agent: Jim Wittliff, Land Answers. City Staff: Maureen Meredith, 974-2695.

The public hearing was closed and Ordinance No. 20090618-067 to change the land use designation to commercial on the Future Land Use Map (FLUM) was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

68. C14-2009-0013 - Northgate - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Boulevard (Little Walnut Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Applicant: Nuraminco, Inc. DBA Sunrise Mini-mart (Abdul Patel). Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and Ordinance No. 20090618-068 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

69. C14-2009-0042 - Cherrywood Green - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600 East 34th Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant and Agent: City of Austin, Parks and Recreation Department (Chris Yanez). City Staff: Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20090618-069 for public-neighborhood plan (P-NP) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

72. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.

This item was postponed on consent to August 6, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

73. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP)

combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.

This item was postponed on consent to August 6, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEM

60. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Applicant and Agent: Leslie M. Moore. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The motion to approve the first reading of the ordinance for family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions was made by Council Member Morrison and seconded by Council Member Shade.

The substitute motion to postpone this item was to July 23, 2009 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to help the neighbors and applicant develop agreeable parameters for a potential development.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Reagan High School Drum Line

PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:48 p.m.

ZONING DISCUSSION ITEMS CONTINUED

66. C14H-2009-0004 - W.E. Miller House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4810 Rowena Avenue (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. A valid petition has been filed in opposition to this rezoning request.

The motion to close the public hearing and approve on first reading the ordinance for family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was made by Council Member Cole and seconded by Council Member Morrison. This motion failed on a vote of 2-5. Those voting aye were: Council Members Cole and Morrison. Those voting nay were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Leffingwell, Martinez and Shade.

70. NPA-2008-0015.02 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, the East Martin Luther King Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from industrial to multi-family use for the property located at 3617 Axel Lane (Fort Branch Watershed). Staff Recommendation: To deny multi-family use. Planning Commission Recommendation: To approve multi-family use. Applicant and Agent: Kevin Ludlow. City Staff: Dee Dee Quinnelly, 974-2976.

The motion to close the public hearing and deny multi-family use was approved on Council Member Martinez' motion, Council Member Shade's second on a 6-1 vote. Pro Tem McCracken voted Nay.

71. C14-2008-0154 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3617 Axel Lane (Fort Branch Watershed) from industrial park-neighborhood plan (IP-NP) combining district zoning to multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning. Staff Recommendation: To deny multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-limited density-neighborhood plan (MF-1-NP) combining district zoning. Applicant and Agent: Kevin Ludlow. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.

The motion to close the public hearing and deny multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning was approved on Council Member Martinez' motion, Council Member Shade's second on a 6-1 vote. Mayor Pro Tem McCracken voted Nay.

PUBLIC HEARINGS AND POSSIBLE ACTION

75. Conduct a public hearing and consider an ordinance amending Chapter 25-8, of the City Code relating to protected and heritage trees. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
This item was postponed to October 22, 2009 on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote. Direction was given to the City Manager to convene a group of stakeholders to resolve outstanding issues.
80. Conduct a public hearing and consider approval of an ordinance amending Chapters 11-1, 25-2 and 25-11 of the City Code relating to tax exemptions for historic landmarks, historic landmark procedures, and demolition by neglect. To be reviewed by Zoning and Platting Commission on July 7, 2009; to be reviewed by Planning Commission on July 14, 2009.
This item was postponed to August 6, 2009 on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

74. Conduct a public hearing and consider an ordinance adopting new rates and tariffs for customers of Texas Gas Service, a division of ONEOK, Inc.
The public hearing was closed and Ordinance No. 20090618-074 was approved on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.
76. Conduct a public hearing and consider an ordinance amending Section 25-2-1007 of the City Code relating to parking lot landscaping. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
The public hearing was closed and Ordinance No. 20090618-076 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
77. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code relating to planting of trees in residential subdivisions. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
The public hearing was closed and Ordinance No. 20090618-077, with the following amendments ,was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

The amendments are as follows:

Part 2, Section 25-2-1032 should read:

“(A) Each single family lot in a residential subdivision shall contain:

(1) at least two trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (Descriptive Categories of Tree Species) if the lot is in a single family residence small lot (SF4a) zoning district;

(2) at least three trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (Descriptive Categories of Tree Species) if the lot is in any zoning district other than SF4a.

(B) Trees required under this section must be planted or preserved in accordance with this division and the Environmental Criteria Manual.”

78. Conduct a public hearing and consider an ordinance for floodplain variances requested by the Austin Independent School District. The variances will allow construction of the House Park Field House Addition at 1301 Shoal Creek Boulevard in the 25-year and 100-year floodplains of Shoal Creek. A variance will also waive the requirement for normal access from the building to an area that is one foot above the 100-year floodplain.
The public hearing was closed and Ordinance No. 20090618-078 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Leffingwell was off the dais.
79. Conduct a public hearing and consider an appeal by the Highland/Skyview Neighborhood Plan Contact Team represented by Damon Howze, of the Planning Commission's decision to approve a Conditional Use Permit to allow operation of an Adult Lounge located at 6406 N. IH 35, Unit 1100. The Planning Commission approved staff's recommendation to approve the Conditional Use Permit with conditions.
The motion to deny standing to the Highland/Skyview Neighborhood Plan Contact Team was approved on Council Member Cole's motion, Council Member Martinez' second on a 4-3 vote.

Those voting aye were: Mayor Wynn and Council Members Cole, Leffingwell and Martinez. Those voting nay were: Mayor Pro Tem McCracken and Council Members Morrison and Shade.

81. Conduct a public hearing to receive citizen comment on: 1) Draft five-year Consolidated Plan for Fiscal Years October 1, 2009 - September 30, 2014, as required by the U.S. Department of Housing and Urban Development; 2) the Draft Annual Fiscal Year 2009-10 Action Plan, as required by the U.S. Department of Housing and Urban Development; and 3) the Community Development 2009-10 Program, as required by the Texas Local Government Code Chapter 373.
The public hearing was closed on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 9:59 p.m. without objection.

The minutes for the Regular meeting of June 18, 2009 were approved on this the 23rd day of July 2009 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.